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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3095 OF 2007

Nazma Bano Adullah Khan ...Applicant
V/s.
Abdullah Atiullah Khan & Ors. ...Respondents

Mr.A.B. Kasbe, Advocate, h/f. V.V. Purwant, for the Applicant.

Mrs.M.H. Mhatre, APP, for the Respondent-State.

CORAM : A.P. DESHPANDE, J.

DATED : 10TH DECEMBER, 2007.

P.C.:

1. The marriage of the applicant and Respondent No.1 was performed in the year 1999. Respondent No.1 is the husband whereas Respondent No.5 is the father and other respondents-accused are the family members of the husband.

2. The respondents-accused were prosecuted for commission of offence punishable under Section 498-A and 323 of the I.P.C. read with Section 4 of the Dowry Prohibition Act.

3. The learned Magistrate has acquitted the respondents. The perusal of the judgment reveals that the evidence of the applicant and her father contradicts each other with regard to material

particulars. Though the evidence of the complainant shows that twice kerosene was poured on her person and the respondents tried to set her on fire, neither time, date or month is mentioned nor was any complaint made to the police about the same. conduct. Having regard to the submission of the complainant that her father had given a motor cycle to Respondent No.1 by way of dowry, no document whatsoever was placed on record of the Trial Court to show that the father of the complainant had purchased vehicle and given it to Respondent No.1.

4. The appreciation of evidence by the Trial Court cannot be faulted. A possible view of the matter has been taken which does not call for any interference at the hands of this Court. Hence, the Application seeking leave to file an Appeal against the order of acquittal is rejected.

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